

MINUTES OF THE MEETING OF THE BAR-BENCH-MEDIA CONFERENCE

A meeting of the Bar-Bench-Media Conference was held on Monday, April 12, 2010, at 12:30 p.m. in the Supreme Court Conference Room in Wilmington. The Conference members in attendance were:

Members of the Electronic News Media

Peg Brickley

John Dearing (by telephone)

Members of the Print News Media

Elizabeth Bennett

Rita Farrell

John Sweeney

Members of the Bench

Judge Arlene Minus Coppadge

Chief Magistrate Alan Grant Davis (by telephone)

Members from the Bar

Paul A. Fioravanti, Jr., Esquire

Charles J. Durante, Esquire

Christine P. Schilitz, Esquire

Stacey Manley, Chief Deputy Clerk of the U.S. Bankruptcy Court for the District of Delaware, Sean O'Sullivan and Steve Taylor were also present for the meeting.

The meeting was called to order at 12:35 p.m. by Elizabeth Bennett, the Chair of the Conference.

The first agenda item was the approval of the draft minutes from the January 11, 2010 meeting. The approval was passed until the next meeting because a change in the attendance had to be made.

The next agenda item discussed under Old Business was free media access to bankruptcy hearings conducted by telephone. Peg Brickley had talked to David Bird, Clerk of the U.S. Bankruptcy Court for the District of Delaware, about free media access to bankruptcy telephone hearings. Mr. Bird told Peg that it was not appropriate for the Court to ask the vendor to provide free access to the media. He said the media should ask the vendor, Court Call, directly for free access. Peg said that the media has contacted the vendor in the past and gotten free access on a case by case basis, but she noted that reporters have also paid for access on occasion. Peg said that the public has an interest in bankruptcy proceedings and a right to access. Currently, the Delaware Bankruptcy Court has no contract for telephone hearings. Typically, the debtors pay for the call and use Court Call as the only vendor. Stacey Manley, Chief Deputy Clerk of the Delaware Bankruptcy Court, said that she would find out how the New York Bankruptcy Court handles media access to telephone hearings. She also asked Peg to put her concerns and proposed solutions in writing for review by the Delaware Bankruptcy Court.

The next agenda item discussed under Old Business concerned court reporters and ownership of transcript. Chuck Durante reported that he asked a junior associate in his law firm to research the issue. The research showed that a court reporter has no proprietary interest in transcripts or notes. Furthermore, transcripts and notes cannot be copyrighted. The production of transcript is work for hire and the work product including the court reporter's notes is owned by the Court. The distribution of copies of the transcript is subject to the Court's discretion and rules.

The last agenda item under Old Business was Rules for the Expanded Electronic News Media Coverage of Trial Court Proceedings. The latest draft of the rules had been previously distributed to the Conference prior to the meeting. Steve Taylor reported that the latest draft was substantially identical to the draft that then President Judge Ridgely as Conference Chair submitted to the Supreme Court in 2002. Conference members noted that some of the time periods for notice provisions in the draft rules may be too short. However, the Conference members present voted to approve the current draft rules and send them to the Supreme Court for review. Paul Fioravanti opposed approving the draft rules and sending them to the Court because he said that it had been eight years since the 2002 President Judge Ridgely draft was prepared. He felt further research should be done to see

what other states are now doing and to review their rules and procedures for electronic media coverage.

Under New Business, Sean O'Sullivan asked if the media could get access to the COTS system along the same lines that the media had access to LexisNexis through a public terminal in the media room in the New Castle County Courthouse. He also wanted to know if the media could receive training on the COTS System. Steve Taylor will contact the leaders of the COTS project and report back to the Conference at the next meeting.

The final agenda item was the selection of the next Conference meeting date. The next Conference meeting will be held on Monday, June, 9, 2010 at 12:30 p.m. in the Supreme Court Conference Room in Wilmington. Lunch will be served. A conference call dial in number, for Conference members unable to be present at the meeting, will be circulated to the Conference members prior to the meeting.

The meeting adjourned at 1:40 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Stephen D. Taylor".

SDT/dlc

October 14, 2010